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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,025	11/18/2003	Leslie G. Christie JR.	10018650-1	7348

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EXAMINER

OLSON, JASON C

ART UNIT PAPER NUMBER

2651

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/717,025

Applicant(s)

CHRISTIE ET AL.

Examiner

Jason C Olson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/23/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas (US 6,097,562).

Regarding claim 11, Thomas teaches producing light within a cartridge receiving chamber of the cartridge engaging assembly (see col. 5, ln. 59-64) ; and preventing light from reaching a detector provided within the cartridge receiving chamber when no data cartridge is contained within the cartridge receiving chamber (see col. 7, ln. 11-21 and 48-56).

Regarding claim 12, Thomas teaches preventing light further comprises preventing substantially all light from reaching a detector provided within the cartridge receiving chamber when no data cartridge is contained within the cartridge receiving chamber (see col. 7, ln. 11-21 and 48-56; it is interpreted by the examiner that the baffle causes substantially no light to reach the detector).

Regarding claim 13, Thomas teaches allowing light to reach the detector when a data cartridge is contained within the cartridge receiving chamber (see col. 5, ln. 20-23 and col. 7, ln. 52-56).

Regarding claim 14, Thomas teaches allowing a portion of light to reach the detector when a narrow form-factor data cartridge is contained within the cartridge receiving chamber (see col. 5, ln. 20-23 and col. 7, ln. 52-56; it is interpreted by the examiner that a substantial portion of light reaches the detector when a form-factor cartridge is present).

Regarding claim 15, Thomas teaches not preventing any light from reaching the detector when a wide form-factor data cartridge is contained within the cartridge receiving chamber (see col. 5, ln. 20-23 and col. 7, ln. 52-56; it is interpreted by the examiner that no light is prevented from reaching the detector when a form-factor cartridge is present).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas and Oenes et al. (US 6,031,676), hereafter, Oenes.

Regarding claim 16, Thomas teaches light source means for producing light within a cartridge receiving chamber defined by a cartridge engaging assembly (see col. 5, ln. 59-64, col. 9, ln. 35-47 and figure 8, item 56), and detector means operatively associated with the cartridge receiving chamber for detecting light (see col. 5, ln. 59-64). Thomas fails to teach a cartridge referencing means mounted to the cartridge engaging assembly, said cartridge referencing means being displaceable by a cartridge positioned within the cartridge receiving chamber to block light

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produced by said light source means, however, Oenes is relied upon to teach a cartridge referencing means mounted to the cartridge engaging assembly, said cartridge referencing means being displaceable by a cartridge positioned within the cartridge receiving chamber to block light produced by said light source means (see col. 6, ln. 16-31 and figures 9a-c, items 100, 140, 148). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon a cartridge engaging assembly of Thomas by applying the teaching of a cartridge referencing member to block a light source as taught by Oenes for the reason as discussed in column 2, lines 26-40 and 56-63 of Oenes.

Regarding claim 17, the combination of Thomas and Oenes teach all the limitations of claim 16 above. The combination is further relied upon to teach cartridge referencing means blocks substantially all of the light produced by said light source means when no data cartridge is located within the cartridge receiving chamber and so that said cartridge referencing means does not block substantially all of the light when a data cartridge is located within the cartridge receiving chamber (see col. 7, ln. 11-21 and 48-56 of Thomas; it is interpreted by the examiner that the baffle causes substantially no light to reach the detector).

Regarding claim 18, the combination of Thomas and Oenes teach all the limitations of claim 16 above. The combination is further relied upon to teach detector means detects whether light from said light source means is blocked by said cartridge referencing means (see col. 5, ln. 20-23 and col. 7, ln. 52-56 of Thomas).

Regarding claim 19, the combination of Thomas and Oenes teach all the limitations of claim 16 above. The combination is further relied upon to teach cartridge referencing means includes means for partially blocking light from said light source means when a narrow form-

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factor data cartridge is positioned within the cartridge receiving chamber (see col. 5, ln. 20-23 and col. 7, ln. 52-56 of Thomas; it is interpreted by the examiner that a substantial portion of light reaches the detector when a form-factor cartridge is present).

Regarding claim 20, the combination of Thomas and Oenes teach all the limitations of claim 16 above. The combination is further relied upon to teach cartridge referencing means includes means for not blocking substantially all of the light from said light source means when a wide form-factor data cartridge is positioned within the cartridge receiving chamber (see col. 5, ln. 20-23 and col. 7, ln. 52-56 of Thomas; it is interpreted by the examiner that no light is prevented from reaching the detector when a form-factor cartridge is present).

Allowable Subject Matter

Claims 1-10 are allowed. The prior art fails to teach alone or in combination a media detection system for a cartridge engaging assembly, comprising: a light source mounted within a cartridge receiving chamber defined by the cartridge engaging assembly; a cartridge referencing member comprising an arm portion and a head portion, the arm portion being mounted to the cartridge engaging assembly, the head portion being located within the cartridge receiving chamber at a position adjacent said light source, the cartridge referencing member being deflected by the presence of a data cartridge within the cartridge receiving chamber so that the cartridge referencing member blocks light produced by said light source when no data cartridge is located within the cartridge receiving chamber and so that the cartridge referencing member blocks less light produced by said light source when a data cartridge is located within the

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cartridge receiving chamber; and a detector assembly coupled to the cartridge receiving chamber for detecting light from the light source.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C Olson whose telephone number is (571)272-7560. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Hudspeth can be reached on (571)272-7843. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO
March 1, 2005




DAVID HUDSPETH
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